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OFFICE OF PETITIONS

In re Application of
JOSEPH D. DRESCHER
Application No. 10/653,797
Filed: September 3, 2003
Attorney Docket No.
67C97-008/EH-10829

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: DECISION GRANTING PETITION
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This is a decision on the petition under 37 CFR 1.53(e), filed December 9, 2003, requesting that the above-identified application be accorded a filing date of September 3, 2003.

On September 3, 2003, applicant deposited the above-identified application. On November 24, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on December 9, 2003, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of 5 sheets of drawings on September 3, 2003. Additionally, applicant submitted a copy of the 5 sheets of drawings, consisting of Figures 1-16.

Upon review of the record, the 5 sheets of drawings deposited on September 3, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 3, 2003, included 5 drawing sheets, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including 5 drawing sheets, was complete on filing and will be granted a filing date of September 3, 2003.

Accordingly, the petition is granted.

The "Notice of Incomplete Nonprovisional Application," mailed November 24, 2003, was sent in error and is hereby vacated. Accordingly, no petition fee is necessary and none has been charged.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of September 3, 2003, using Figures 1-16 submitted with the present

petition, and to mail a corrected filing receipt. The Office records should indicate that 5 sheet of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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